

**REMARKS**

Applicants respectfully request reconsideration in view of the amendment and following remarks. The applicants have incorporated AAPFCO into the specification. Support for newly added claims 70-73 for example, can be found in the specification at pages 2 and 3. Support for newly added claim 74 for example can be found in the specification at page 2, lines 18 -20 and in the examples. The applicants have added five claims and cancelled four claims. The fee of \$18.00 is enclosed for the extra claim over twenty being added.

Claim 62 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 63-66 and 69 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 43-46 and 67, respectively. Claims 42-46, 62-67 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 42-45, 52-54, 56-60 and 62-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Constien et al. U.S. Patent No. 4,828,034 ("Constien"). Claims 42, 56, 57, 59, 60, 62, 64 and 65 are rejected under 35 U.S.C 102(b) as being clearly anticipated by Seheult et al. U.S. Patent No. 4,717,488 ("Seheult"). The applicants respectfully traverse these rejections. The applicants appreciate that the Examiner has acknowledged that claims 55, 61 and 68 are objected to as being dependent upon a rejected base claim.

Support for the phrase "no added water" is discussed at page 4 in the amendment mailed June 2003 and is found in the specification at page 8, lines 9 and 10.

The applicants appreciate the Examiner permitting the applicants to conduct an interview on August 17, 2004. The applicants discussed limiting the claims to pesticides and fertilizers.

The applicants also discussed adding a method claim. The applicants thank the Examiner for permitting the applicants to interview. The applicants believe that the interview helped expedite prosecution.

### **FORMAL REJECTIONS**

Claim 62 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 63-66 and 69 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 43-46 and 67, respectively. The applicants have cancelled claims 62-65 and changed the dependency of claim 66.

Claims 63-65 Claims 42-46, 62-67 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicants believe that the claims as amended are in compliance with 35 U.S.C. 112.

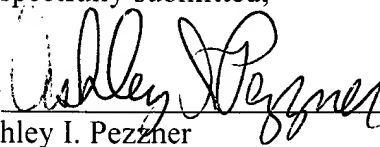
### **PRIOR ART REJECTIONS**

Claims 42-45, 52-54, 56-60 and 62-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Constien. Claims 42, 56, 57, 59, 60, 62, 64 and 65 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seheult. Constien and Seheult do not teach the use of pesticides or herbicides. Since all the claims require a pesticide or a herbicide, these rejections should be withdrawn. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

A three month extension fee has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 00306-00141-USU from which the undersigned is authorized to draw.

Respectfully submitted,

By



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insolubility of polymers, natural nitrogenous organics, protein materials, or other chemical forms), by slow hydrolysis of water soluble low molecular weight compounds, or by other unknown means. (Official 1985)

T-30. Hydroponics - A system in which water soluble nutrients are placed in intimate contact with the plant's root system, being grown in an inert supportive medium which supplies physical support for the roots but which does not add or subtract plant nutrients. (Official 1986)

T-31. Continuous liquid feed - The external application of water soluble nutrients in the irrigation water every time the plant requires water. (Official 1986)

T-32. Polymer Coated Fertilizer - is a coated slow release fertilizer consisting of fertilizer particles coated with a polymer (plastic) resin. It is a source of slowly available plant nutrient(s). (Official 1990)

T-33. Composting - The biological decomposition of organic matter. It is accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds, and odors. (Official 1997)

T-34. Compost - A biologically stable material derived from the composting process. (Official 1991)

T-35. Natural Inorganic Fertilizer - A mineral nutrient source that exists in or is produced by nature and may be altered from its original state only by physical manipulation. (Official 1993)

T-36. Natural Fertilizer - A substance composed only of natural organic and/or natural inorganic fertilizer materials and natural fillers. (Official 1993)

T-37. Potting Soil - A material suitable for holding and growing potted plants and usually made from natural materials. It may include fertilizers, pesticides and/or soil amendments. (Official 1993)

T-38. Natural Base Fertilizer - A mixed fertilizer where more than half of the fertilizer materials is natural and where more than half of the sum of the guaranteed primary nutrient percentages is derived from natural materials. (Official 1995)

T-39. Organic Base Fertilizer - A mixed fertilizer where more than half of the fertilizer materials is organic and where more than half of the sum of the guaranteed primary nutrient percentages is derived from organic materials. (Official 1995)

T-40. Nitrogen Stabilizer - A substance added to a fertilizer which extends the time the nitrogen component of the fertilizer remains in the soil in the ammoniacal form. (Official 1994)

T-41. Stabilized Nitrogen Fertilizer - A fertilizer to which a nitrogen stabilizer has been added. (Official 1994)

T-42. Sphagnum Peat Moss - A material obtained from a sphagnum peat deposit (bog) of which an oven dried sample contains a minimum of 66 2/3% sphagnum moss fiber by weight. Those fibers shall be stems and leaves that have recognizable fibrous and cellular structure. (Official 1995)

T-43. Foliar Fertilization - The practice of applying plant nutrients primarily for direct absorption by the above ground portions of the plant. (Official 1996)

T-44. Ready To Use Liquid Fertilizer - A liquid fertilizer requiring no user mixing or dilution prior to application. (Official 1997)

T-45. Urease Inhibitor - A substance which inhibits hydrolytic action on urea by urease enzyme. When applied to soils a urease inhibitor results in less urea nitrogen lost by ammonia volatilization. (Official 1997)

N-11. Bat Guano is partially decomposed bat manure. (Official 1951)

T-46. N-(n-butyl) thiophosphoric triamide (NBPT) - A compound that is the normal butyl derivative of thiophosphoric triamids and is a urease inhibitor. (CAS No. 94317-64-3, N-(n-butyl) phosphorothiole triamide). (Official 1997)

T-47. Greensand - The naturally occurring mineral, glauconite, which is a hydrated silicate of iron and potassium. (Official 1997)

T-48 Biosolids - A primary organic solid material produced by wastewater treatment processes that can be beneficially recycled for its plant nutrient content and soil amending characteristics. (Tentative 1997)

## DEFINITIONS

### NITROGEN PRODUCTS

N-1. Ammoniated Superphosphate is a product obtained when superphosphate is treated with ammonia or with solutions which contain ammonia and other compounds of nitrogen. The guaranteed percentages of nitrogen and of Available Phosphate shall be stated as part of the name. (Official 1993)

N-2. Ammonium Nitrate is chiefly the ammonium salt of nitric acid. It shall contain not less than thirty-three percent (33%) nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form. (Official 1951)

N-3. Calcium Nitrate is chiefly the calcium salt of nitric acid. It shall contain not less than fifteen percent (15%) nitrate nitrogen. (Official 1951)

N-4. Nitrate of Potash (potassium nitrate) is chiefly the potassium salt of nitric acid. It shall contain not less than twelve percent (12%) nitrogen and forty-four percent (44%) Soluble Potash. (Official 1951)

N-5. Nitrate of Soda (sodium nitrate) is chiefly the sodium salt of nitric acid. It shall contain not less than sixteen percent (16%) nitrate nitrogen and twenty-six percent (26%) sodium. (Official 1952)

N-6. Nitrate of Soda and Potash (sodium and potassium nitrate) is chiefly the sodium and potassium salts of nitric acid. It shall contain not less than fifteen percent (15%) nitrate nitrogen, ten percent (10%) soluble potash and eighteen percent (18%) sodium. (Official 1952)

N-7. Sulfate of Ammonia (ammonium sulfate) is chiefly the ammonium salt of sulfuric acid. It shall contain not less than twenty and five-tenths percent (20.5%) nitrogen. (Official 1951)

N-8. Ammonium Sulfate Nitrate is a double salt of ammonium sulfate and ammonium nitrate which are present in equal molecular proportions. It shall contain not less than twenty-six percent (26%) nitrogen, one-fourth of which is in nitrate form and three-fourths in the ammonium form. (Official 1954)

N-9. Acidulated Fish Tankage (acidulated fish scrap) is the rendered product derived from fish and treated with sulfuric acid. (Official 1950)

N-10. Activated Sewage Products are those made from sewage freed from grit and coarse solids and aerated after being inoculated with micro organisms. The resulting flocculated organic matter is withdrawn from the tanks, filtered with or without the aid of coagulants, dried, ground and screened. (Official 1950)

- N-12. Cyanamide is a commercial product consisting principally of calcium cyanamide ( $\text{CaNCN}$ ) and carbon and it shall contain not less than nineteen and five tenths percent (19.5%) nitrogen. (Official 1976)
- N-13. Dried Blood is the collected blood of slaughtered animals, dried and ground and containing not less than twelve percent (12%) nitrogen. (Official 1950)
- N-14. Animal Manures are the excreta of animals together with whatever bedding materials are needed to follow good dairy barn, feedlot, poultry house, etc., practice in order to maintain proper sanitary conditions. (Official 1991)
- N-15. Garbage Tankage is the rendered, dried and ground product derived from waste household food materials. (Official 1951)
- N-16. Hool and Horn Meal is processed dried, ground hools and horns. (Official 1951)
- N-17. Peal is partly decayed vegetable matter of natural occurrence. It is composed chiefly of organic matter that contains some nitrogen of low activity. (Official 1951)
- N-18. Fish Tankage (fish scrap, dry ground fish, fish meal fertilizer grade) is the dried ground product derived from rendered or unrendered fish. (Official 1950)
- N-19. Process Tankage is a product made under steam pressure from crude inert nitrogenous materials, with or without the use of acids or bases, for the purpose of increasing the activity of nitrogen. These products shall be called "Process Tankage" with or without further qualification. The water insoluble nitrogen in these products shall test at least fifty percent (50%) active by the alkaline, or eighty percent (80%) by the neutral permanganate method. (Official 1994)
- N-20. Tankage (without qualification) is the rendered, dried, and ground by-product, largely meat and bone from animals (slaughtered or that have died otherwise). (Official 1950)
- N-21. Sheep Manure Wool Waste is the by-product from wool-carding establishments consisting chiefly of sheep manure, seeds, and wool fiber. (Official 1951)
- N-22. Crude, Inert, or Slow-Acting Nitrogenous Materials are unprocessed organic substances relatively high in nitrogen but having a very low value as plant food and showing a low activity by both the alkaline and neutral permanganate methods, (below 50% and 80% respectively). (Official 1964)
- N-23. Urea is the commercial synthetic acid amide of carbonic acid and it shall contain not less than forty-five percent (45%) nitrogen. (Official 1966)
- N-24. Ureafarm Fertilizer Materials (sparingly soluble) are reaction products of urea and formaldehyde which contain at least thirty-five percent (35%) nitrogen, largely in insoluble but slowly available form. They shall have the percentage of total nitrogen as part of the product name; for example: 20% N Urea-Formaldehyde. The water insoluble Nitrogen shall be at least sixty percent (60%) of the total nitrogen. The activity index of the water insoluble nitrogen shall have an activity index of not less than forty percent (40%) when determined by the appropriate AOAC International method. (Official 1984)
- N-25. Urea-Formaldehyde Products (sparingly soluble) are reaction products of urea and formaldehyde which contain less than thirty-five percent (35%) nitrogen, largely in insoluble but slowly available form. They shall have the percentage of total nitrogen as part of the product name; for example: 20% N Urea-Formaldehyde. The water insoluble Nitrogen shall be at least sixty percent (60%) of the total nitrogen. The activity index of the water insoluble nitrogen shall be either (1) not less than forty percent (40%) by the AOAC International method for Urea-formaldehyde Products or (2) not less than fifty percent (50%) by the AOAC International alkaline permanganate method or eighty percent (80%) by the neutral permanganate method. (Official 1984)
- N-26. Isobutylidene Diurea - A condensation product of isobutyraldehyde and urea having a minimum total nitrogen content of thirty percent (30%). It is a source of slowly available nitrogen by virtue of particle size, solubility decreasing with increase in particle size. Material conforming to the

- description of a "granular fertilizer" will have ninety percent (90%) of its nitrogen content in the water-insoluble form prior to grinding as tested by AOAC International Method 945.01 (15th Edition). (Official 1986)
- N-27. Sulfur Coated Urea (SCU) - A coated slow release fertilizer consisting of urea particles coated with sulfur. The product is usually further coated with a sealant (2% to 3% of total weight) and a conditioner (2% to 3% of total weight). It typically contains about thirty percent (30%) to forty percent (40%) nitrogen and about ten percent (10%) to thirty percent (30%) sulfur. (Official 1980)
- N-28. Urea-Formaldehyde Products (water soluble) are reaction products of urea and formaldehyde which contain at least thirty percent (30%) nitrogen, largely in water soluble form. Some slowly available nitrogen products are present. Stable aqueous solutions may be prepared from these materials. The reaction products shall contain a maximum of fifty-five percent (55%) free urea, with the remainder of the urea being chemically combined as methylolureas, methylolurea ethers, and/or methylenediurea (MDU) and dimethylenetriurea (DMTU). (Official 1984)
- N-29. Methylenediurea (MDU) is a water soluble condensation product resulting from the reaction of one molecule of formaldehyde with two molecules of urea, with the elimination of one molecule of water. It has a minimum total nitrogen content of forty-two percent (42%) and is a source of slowly available nitrogen. (Official 1984)
- N-30. Dimethylenetriurea (DMTU) is a water soluble condensation product resulting from the reaction of two molecules of formaldehyde with three molecules of urea, with the elimination of two molecules of water, and having a minimum total nitrogen content of forty-one percent (41%). It is a source of slowly available nitrogen. (Official 1984)
- N-31. Dicyanodiamide (cyanoguanidine) is a water soluble organic compound of formula  $\text{C}_2\text{H}_4\text{N}_4$  which contains at least sixty-five percent (65%) nitrogen. It is a source of slowly available nitrogen. (Official 1985)
- N-32. Polymer Coated Urea (PCU) is a coated slow release fertilizer consisting of urea particles coated with a polymer (plastic) resin. It typically contains about forty percent (40%) nitrogen. It is a source of slowly available nitrogen. (Official 1990)
- N-33. Triazone is a water soluble compound of formula  $\text{C}_3\text{H}_7\text{N}_3\text{O}$  which contains at least forty-one percent (41%) total nitrogen. (CAS No. 7098-14-6, 1,3,5-triazin-2-one, tetrahydro-S-triazone.) (Official 1989)
- N-34. Melamine is a sparingly soluble organic compound of formula  $\text{C}_3\text{H}_6\text{N}_6$  which contains at least sixty-six percent (66%) nitrogen. (CAS No. 108-78-1 2,4,6-triamino-1,3,5-triazine, triamino-s-triazine) (Official 1989)
- N-35. Urea-Triazone Solution - is a stable solution resulting from controlled reaction in aqueous medium of urea, formaldehyde, and ammonia which contains at least twenty-five percent (25%) total nitrogen. The solution shall contain no more than forty percent (40%) nor less than five percent (5%) of total nitrogen from unreacted urea and not less than forty percent (40%) from triazone. All other nitrogen shall be derived from water soluble, dissolved reaction products of the above reactants. It is a source of slowly available nitrogen. (Official 1990)
- N-36. Oxamide (fertilizer grade) is the diamide of oxalic acid of the formula  $\text{C}_2\text{H}_4\text{N}_2\text{O}_2$  which contains twenty-eight to thirty-two percent nitrogen (28%-32%). It is a source of slowly available nitrogen. (Official 1990)
- N-37. Ammonium Thiosulfate (fertilizer grade) is a commercial product composed principally of  $(\text{NH}_4)_2\text{S}_2\text{O}_3$ . The guaranteed percentages of nitrogen and sulfur shall be stated as part of the name. (Official 1990)

PHOSPHATE PRODUCTS ( $P_2O_5$ )

- P-1. Phosphate is the amount of pentavalent phosphorus ( $P(V)$ ) present in the material calculated as phosphorus pentoxide ( $P_2O_5$ ). (Official 1997)
- P-2. Available Phosphate is the sum of the water soluble and the citrate-soluble phosphate. (Official 1993)
- P-3. Ammoniated Superphosphate is a product obtained when superphosphate is treated with ammonia and with solutions which contain ammonia and other compounds of nitrogen. The guaranteed percentages of nitrogen and of available phosphate shall be stated as part of the name. (Official 1993)
- P-4. Ammonium Phosphate (fertilizer grade) is a product obtained when phosphoric acid is treated with ammonia (anhydrous or aqueous), and consists principally of monoammonium phosphate and diammonium phosphate or a mixture of these two salts. The guaranteed percentage of nitrogen and of available phosphate shall be stated as part of the name. (Official 1993)
- P-5. Ammonium Phosphate-Sulfate (fertilizer grade) is a product obtained when a mixture of phosphoric acid and sulfuric acid is treated with ammonia. It consists principally of a mixture of ammonium phosphate and ammonium sulfate. The guaranteed percentages of nitrogen and of Available Phosphate shall be stated as a part of the name. (Official 1993)
- P-6. Basic Lime Phosphate (lime-based superphosphate) is a superphosphate to which liming materials have been added in a quantity at least six percent (6%) calcium carbonate equivalent in excess of the quantity required to convert all water soluble phosphate to the citrate-soluble form. (Official 1951)
- P-7. Basic Phosphate Slag is a by-product obtained in the manufacture of steel from phosphatic iron ores. The product shall contain no admixture of materials other than those resulting from the original process of manufacture. It shall contain not less than twelve percent (12%) of total phosphate, of which at least eighty percent (80%) shall be available phosphate. It shall be ground so that not less than seventy percent (70%) of the material passes through a U. S. Standard No. 100 sieve (150  $\mu$ m opening) and ninety percent (90%) passes through a U. S. Standard No. 50 sieve (300  $\mu$ m opening). Any basic phosphate slag not conforming to this definition shall be designated low phosphate. (Official 1993)
- P-8. Citrate-Soluble Phosphate is that part of the total phosphate in a fertilizer that is insoluble in water but soluble in a solution of citrate of ammonia according to the method adopted by the AOAC International. (Official 1993)
- P-9. Dicalcium Phosphate is a manufactured product consisting chiefly of dicalcic salt of phosphoric acid. (Official 1951)
- P-10. Acidulated Bone is ground bone or bone meal that has been treated with sulfuric acid. (Official 1951)
- P-11. Ground Raw Bone is ground animal bones that have not been previously steamed under pressure, heated, or otherwise manipulated. (Official 1984)
- P-12. Bone Meal is ground animal bones that have been previously steamed under pressure, heated, or rendered sterile in some other acceptable manner. (Official 1997)
- P-13. Phosphate Rock is a natural rock containing one or more calcium phosphate minerals of sufficient purity and quantity to permit its use, either directly or after concentration, in the manufacture of commercial products. (Official 1952)

- P-14. Precipitated Phosphate is a product consisting mainly of dicalcium phosphate obtained by neutralizing with calcium hydroxide the acid solution of either phosphate rock or processed bone. (Official 1951)
- P-15. Superphosphate is a product obtained when rock phosphate is treated with either sulfuric acid, phosphoric acid, or a mixture of those acids. The guaranteed percentage of available phosphate shall be stated as a part of the name. (Official 1993)
- P-16. Soft Phosphate with Colloidal Clay is a very finely divided low-analysis by-product from mining Florida rock phosphate by a hydraulic process in which the colloidal materials settle at points in artificial ponds and basins farthest from the washer, and are later removed after the natural evaporation of the water. (Official 1951)
- P-17. Calcium Metaphosphate is a vitreous product substantially free from crystalline phosphates, resulting from the treatment of phosphate rock with gaseous phosphorus pentoxide at high temperatures. The guaranteed percentage of available phosphate shall be stated as part of the name. (Official 1993)
- P-18. Polyphosphates is a general term pertaining to salts of any of a series of polyphosphoric acids, whose molecular structure contain two or more phosphorus atoms linked by oxygen. Solutions may contain several species such as orthophosphates, pyrophosphates, and polyphosphates containing three (3) or more phosphorus atoms, commonly known as triphosphates or tetraphosphates and water. (Official 1976)
- P-19. Superphosphoric Acid is the acid form of polyphosphates, consisting of a mixture of orthophosphoric and polyphosphoric acids. Species distribution varies with concentration, typically sixty-eight to eighty-three percent (68 to 83%)  $P_2O_5$ . (Official 1976)
- P-20. Calcined Phosphate is phosphate rock which has been heated, with or without one or more catalysts or reagents, sufficient to volatilize and remove most or all organic, carbonate, fluoride and other impurities, and/or thermally altered to more available calcium phosphate compounds, depending on the process. A significant portion of the phosphate is citrate soluble and such percentage shall be stated as part of the brand name. Included are products known as fused tricalcium phosphate, deluorinated phosphate, rhenania phosphate and various trade names. (Official 1994)
- P-21. DAP (fertilizer grade) is a product composed of ammonium phosphates, principally diammonium phosphate, resulting from the ammoniation of phosphoric acid. It may contain up to 2% non-ammoniacal nitrogen. The guaranteed percentage of nitrogen and available phosphate shall be stated as part of the name. (Official 1993)
- P-22. MAP (fertilizer grade) is a product composed of ammonium phosphates, principally monoammonium phosphate, resulting from the ammoniation of phosphoric acid. The guaranteed percentage of nitrogen and available phosphate shall be stated as part of the name. (Official 1991)
- P-23. Magnesium Ammonium Phosphate is chiefly the ammonium and magnesium double salt of orthophosphoric acid and its condensates. It shall contain not less than seven percent (7%) nitrogen, thirteen percent (13%) magnesium and forty percent (40%) available phosphate. It is a source of slowly available nitrogen, magnesium, and available phosphate. (Official 1995)
- P-24. Magnesium Potassium Phosphate is chiefly the magnesium and potassium double salt of orthophosphoric acid and its condensates. It shall contain not less than twenty one percent (21%) soluble potash, twelve percent (12%) magnesium and thirty six percent (36%) available phosphate. It is a source of slowly available potash, magnesium and available phosphate. (Official 1995)